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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/925,920	09/09/97	REEVES	M S-307
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EXAMINER

STRIMBU, G

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 05/18/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/925,920

Applicant(s)

M. Reeves

Examiner
Gregory J. Strimbu

Group Art Unit
3634



☒ Responsive to communication(s) filed on Mar 4, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-23 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-23 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Mar 4, 1999 is ☒ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on March 4, 1999 have been approved.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the faceted surfaces as set forth in claim 1.

Claim Objections

The claims are objected to because the applicant has failed to consistently refer to the same element of the invention with the same language. For example, on line 10 of claim 1, the applicant refers to an element of the invention as "said retention ring", however, on lines 11-12 of the same claim the applicant refers to the same element as "said ring". To avoid confusion, it is suggested that the applicant maintain the consistent use of terminology when referring to the same element of the invention throughout the claims. The claims are also objected to because it is unclear how recitations such as "in absence of a rotational movement applied to said ring by a user" on lines 11-12 of claim 1 further limit the wheel retention device. The force applied by the user is not a limitation of the claim and how the invention operates in the absence thereof does not further limit the invention. The clause is analogous to a recitation that the wheel retention device

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maintains its shape until exposed to a force large enough to deform the device. Recitations such as “rotationally mounted” on line 3 of claim 5 are objected to because it is unclear what the applicant is attempting to set forth. Is the applicant setting forth that the retention ring is mounted through the use of a rotational mounting method or is the applicant setting forth that the retention ring is mounted for rotational movement with respect to the base? Recitations such as “is nominally held stationary with respect to said base” on lines 5-6 of claim 12 are objected to because it is unclear how the retention ring can be held stationary with respect to the base by the beveled surfaces without setting forth how the beveled surfaces interact. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-14, 16-19 and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “adapted to rotate” on line 6 of claim 1 render the claims indefinite because it is unclear whether the retention ring actually rotates around the base or is merely intended to rotate around the base. Recitations such as “an opening” on line 7 of claim 1 render the claims indefinite because it is unclear what element of the invention includes the “opening”. Recitations such as “secure the wheel relative to the base” on line 8 of claim 1 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a wheel retention

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device or the combination of a wheel retention device and a wheel. The preamble of claim 1 implies the subcombination while the positive recitation of "the wheel" on line 8 of claim 1 implies the combination. Recitations such as "said retention rings" on line 9 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as "a rotational movement" on line 11 of claim 1 render the claims indefinite because it is unclear what comprises a "rotational movement". Is the applicant referring to a force applied by the user which would cause the rotational movement of the retention ring relative to the base? Recitations such as "a portion of a rim and a tire of said bicycle wheel therein" on lines 2-3 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the wheel set forth above or is attempting to define the components of another wheel in addition to the wheel set forth above. Recitations such as "a first linear segment" on lines 6-7 of claim 6 render the claims indefinite because it is unclear if the applicant is referring to one of the linear segments set forth above or is attempting to set forth another linear segment in addition to the ones set forth above. Recitations such as "therein" on line 4 of claim 16 render the claims indefinite because it is unclear if the applicant is referring to the central cavity or to the opening. Recitations such as "the opening in said central cavity" on line 5 of claim 16 render the claims indefinite because it is unclear how the opening can have the central cavity. It appears that the opening is merely to the central cavity rather than in the central cavity. Recitations such as "so as to enclose said central cavity" on lines 3-4 of claim 17 render the claims indefinite because it is inaccurate and/or misdescriptive. The retention member never actually fully encloses the cavity since the retention member has an opening 108 as shown in

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figure 3. It would appear that the retention member merely closes an opening to the cavity rather than "enclosing" the cavity itself. Recitation such as "therein" on line 3 of claim 18 render the claims indefinite because it is unclear if the applicant is referring to the base or to the periphery of the base. Recitations such as "nest" on line 4 of claim 19 render the claims indefinite because it is inaccurate and/or misdescriptive since the beveled surfaces do not "fit" into one another. Recitations such as "corresponding complementary" on line 3 of claim 23 render the claims indefinite because it is unclear what element(s) of the invention the plural beveled portions on the securement member correspond to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-5, 7 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Arnold. Arnold discloses a wheel retention device comprising a base 50 adapted for mounting on a rack (not shown) and including an open cavity (not numbered), the open cavity being sized to receive a portion of a wheel therein and a retention ring 22 mounted on the base 50 wherein the retention ring 22 is adapted to rotate generally around the base 50 so as to block an opening to

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the cavity and secure the wheel relative to the base 50 wherein the base 50 and the retention ring 22 comprise plural mating faceted surfaces, i.e., the meshing teeth of gear 12 and the teeth 48 of the retention ring 22, for securing the retention ring 22 relative to the base 50 in absence of rotational movement applied to the ring 22 by a user. The open cavity is sized to receive a portion of a rim and a tire of the bicycle wheel therein. The base 50 includes a generally cylindrical outer surface (not numbered, but includes the surface of the base 50 which defines the open cavity) and wherein the retention ring 22 is adapted to rotate generally around the cylindrical outer surface. The retention ring 22 extends circumferentially approximately 270 degrees around the base 50. The outer surface includes a groove formed therein (not numbered, but shown as the portion of the base in which the retention ring rotates), the retention ring 22 is rotationally mounted within the groove. The open cavity includes a shoulder (not numbered, but seen as the flat horizontal surface in figure 3A) so as to mount the base 50 on the rack.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold as applied to claims 1-5, 7 and 21-23 above. Arnold is silent concerning the particular angle defined

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between adjacent linear segments of the plural faceted surfaces, however, Arnold does disclose the use of teeth which inherently have an angle defined between each adjacent pair of teeth. Therefore, it would have been no more than an obvious matter of engineering design choice for one with ordinary skill in the art to provide Arnold with teeth segments having an angle of approximately 20 degrees defined between each adjacent pair of teeth to ensure the smooth movement of the retention ring relative to the base.

Claims 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole in view of Arnold. Cole discloses a rack 20 for securing a wheeled vehicle (not numbered, but seen in figure 1) therein comprising a first wheel well (not numbered, but seen as the forward portion of the rack in figure 1) adapted for receiving a first wheel of the wheeled vehicle therein, a second wheel well (not numbered, but seen as the rear portion of the rack in figure 1) operatively connected to the first wheel well, the second wheel well comprising a channel (not numbered, but best seen in figure 3) and a wheel retention device 110. Cole is silent concerning a retention ring.

However, Arnold, as set forth above, disclose a wheel retention device comprising a base 50 adapted for mounting on a channel and a retention ring 22 mounted on the base 50, the retention ring 22 adapted to rotate in discrete segmented steps about the base 50 so as to retain a second wheel of the wheeled vehicle within the base 50 thereby securing the wheeled vehicle to the rack.

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It would have been obvious to one of ordinary skill in the art to provide Cole with a wheel retention device, as taught by Arnold, to provide a more secure engagement between the wheel of the wheeled vehicle and the rack.

With respect to claims 15-20, the use of the apparatus as set forth above by Cole in view of Arnold would inherently lead to the method steps set forth in claims 15-20.

Response to Arguments

Applicant's arguments filed March 4, 1999 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended the claims to include the further limitation of "faceted surfaces". See claim 1, lines 9-10. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is (703) 305-3979. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:30 P.M. The fax phone number for this Group is (703) 305-3597. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

5/17/99

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